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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,286	09/12/2001	Francois Cunchon	T21497-907461	3967

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EXAMINER	
BATES, KEVIN T	

ART UNIT	PAPER NUMBER
2153	

NOTIFICATION DATE	DELIVERY MODE
09/22/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/936,286	CUNCHON ET AL.	
	Examiner	Art Unit	
	KEVIN BATES	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7,8,10-12,14,18 and 19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *7,8,10-12,14,18 and 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

This Office Action is in response to a communication made on September 3, 2008.

Claims 7-8, 1-12, 14, 18, and 19 are currently pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-8, 10-12, 14 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ilnicki (6751667) in view of Rees (6981265).

Regarding claims 7 and 14, Ilnicki teaches a method for allowing a client application to establish, in a client network, a first connection having a first security level with a first port of a server application hosted in a server machine linked to a server network, in order to send messages addressed to the server machine, said messages passing from the client network to the server network through a network layer of a gateway machine (Figure 3), the method comprising:

creating a second port in the gateway machine (Col. 5, lines 4 – 13);

rerouting to the second port of the gateway machine, by ordering the network layer (CR) of the gateway machine, any message sent from the client network and addressed to the first port of the server machine (Col. 5, lines 21 -25), followed by

deleting, by ordering the network layer (CR) of the gateway machine, any message sent from the client network to a third port located in the server machine regardless of a security level of said message sent to the third port (Col. 5, lines 60 – 65, where if the port is unauthorized to be sent through the gateway, then the messages will not be allowed to pass through the gateway);

receiving at the second port of the gateway machine a request addressed to the first port of the server application to establish said first connection with the first port of the server application (Col. 5, lines 21 -25);

listening to the second port of the gateway machine to detect the request addressed to the first port of the server application to establish said first connection with the first port of the server application (Col. 5, lines 21 -25); and

generating, in the gateway machine, a thread which establishes said first connection and a second connection at a second security level between the gateway machine and the server application (Col. 8, lines 46 – 57);

wherein said generating is performed in response to the detection of the request addressed to the first port of the server application to establish said first connection, and said server application is configured to receive at least one message at the second security level from the gateway machine via said second connection (Col. 8, lines 46 – 57).

Ilnicki does not explicitly indicate that the gateway server establishes a connection with a third port of the server application, rather than a first port.

Rees teaches a system for relaying messages from an external network into an internal network through a gateway (Fig. 11) that includes a teaching that messages forwarded to port 1 of a port inside the network can be forwarded to a different port inside the network by the gateway (Col. 22, line 50 – Col. 23, line 20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Rees teaching of allowing the gateway redirect a communication from a first port to a second to allow communications external to the target server's network access ports which only internal user's can access.

Regarding claim 8, Ilnicki teaches a method according to claim 7, wherein said thread comprises:

establishes, in a first phase, said first connection at the first security level in a first interface associated with the second port and with said request;

establishes in a second phase said second connection at the second level of security in a second interface to the third port in the server machine;

writes in a third phase at the second security level in the second interface any message read in the first interface at the first security level, and

writes in a fourth phase at the first security level in the first interface any message read in the second interlace at the second security level (Col. 8, lines 46 - 57, wherein the first connection is between the client terminal and the gateway and the second connection is between the gateway and the target server, both connections are separate SSL connections, thus are the same security level, where claims 18 and 19

provide evidence that the broader claims allow the first and second security levels to be identical).

Regarding claims 10 and 11, Ilnicki teaches a method according to claims 7 and 8, wherein said creating and rerouting are executed automatically by a first process of the gateway machine and said first process generates a second process that executes said listening and generating (Col. 5, lines 21 -25, wherein using different processes for different operations of the gateway is an obvious variation of any program run on a computer).

Regarding claim 12, Ilnicki teaches a method according to claim 7, further comprising automatically executing the steps of creating, rerouting and deleting by a first process of the gateway machine and generating by said first process a second process that executes the steps of listening and generating a thread (Col. 5, lines 21 - 25, wherein using different processes for different operations of the gateway is an obvious variation of any program run on a computer).

Regarding claims 18-19, Ilnicki teaches a method according to claims 7 and 14.

Ilnicki does not explicitly indicate that said first security level is different than said second security level.

Rees teaches a system for providing a trusted gateway between a client and a target server where the communications being received from the gateway are given a higher level of security than any other communications being made across the network (Col. 3, lines 18 – 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the gateway in Ilnicki be considered a trusted gateway thus allowing the target server to allow the communications from the gateway a higher security level than other connections on the network.

Response to Arguments

Applicant's arguments filed September 3, 2008 have been fully considered but they are not persuasive.

The applicant argues that Ilnicki does not explicitly indicate that any message sent to the third port of the client would be deleted. The examiner disagrees, Ilnicki teaches a system where the gateway intercepts messages based on the address and port of the client application and keeps the port and address of the gateway hidden (Col. 7, lines 1 - 30). Ilnicki further teaches that only authorized and open ports allow communication, so there must exist a port ("a port that isn't the first or second port of the claimed invention") which is closed and blocks all traffic. It is clear from Ilnicki that traffic address to a non-authorized port of the client application does not pass through the gateways, thus is deleted.

The applicant argues that Rees does not disclose creating a second connection at a second security level with a third port of the server. The examiner disagrees; Rees is not being relied upon for any teaching of security levels. Ilnicki teaches in Col. 8, lines 46 - 57 that the connection between the gateway and the target server creates its

own secure connection, which is a secure connection between the gateway and the target server and not the secure connection between the client and the gateway server. Rees is only being relied upon to teach the idea that the destination port on the server can be different than that the client originally addressed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Bates/
Examiner, Art Unit 2153